

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BARBARA DIANE LATHAM,

Plaintiff,

v.

No. 13-cv-0822 RB/SMV

**NEAL COX, BEN HAZEN,
LINCOLN CNTY. SHERIFF'S DEPT.,
CNTY. OF LINCOLN,**

Defendants.

**ORDER VACATING SETTLEMENT CONFERENCE
AND ORDER TO SHOW CAUSE**

THIS MATTER is before the Court sua sponte. For the reasons stated herein, the settlement conference on July 22, 2014, will be vacated, and Plaintiff's counsel will be ordered to show cause in writing within 15 days why they should not be sanctioned.

On February 13, 2014, the Court held a status conference, at which time, the parties agreed to conduct a settlement conference on July 22, 2014. Also at the status conference, the Court explained what was required of the parties prior to the settlement conference. Those instructions were repeated in the Court's Order Setting Settlement Conference, which was issued on February 14, 2014. [Doc. 33]. In pertinent part, the order contained the following directives:

No later than **July 2, 2014**, Plaintiff shall serve on Defendant a letter setting forth at least the following information: (a) a brief summary of the evidence and legal principles that Plaintiff assert will allow it to establish liability; (b) a brief explanation of why damages or other relief would be warranted; (c) an itemization of the principles supporting those damages; and (d) a settlement demand.

. . . .

No later than **5:00 p.m. on July 15, 2014**, each party must provide the Court, in confidence, a concise position statement (typically no more than ten pages) containing an analysis of the strengths and weaknesses of its case and the names of the individuals who will be attending the conference and in what capacity. Position statements must be submitted to the Court by e-mail at VidmarChambers@nmcourt.fed.us.

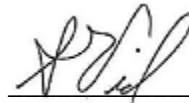
[Doc. 33] at 2, 3–4 (footnotes omitted).

The Court gave verbal instructions at the status conference and subsequently issued a written order requiring Plaintiff to serve a demand letter on Defendant by July 2, 2014, and to submit a confidential position statement to the Court no later than July 15, 2014. Nevertheless, Plaintiff has failed to comply. As a result, the Court is unable to determine whether it would be fruitful to proceed with the settlement conference as scheduled on July 22, 2014. Therefore, the settlement conference will be vacated. Furthermore, Plaintiff's counsel shall show cause in writing within 15 days why they should not be sanctioned for failing to comply with the Court's orders.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Settlement Conference on July 22, 2014, is **VACATED**.

IT IS FURTHER ORDERED that Plaintiff's counsel shall show cause in writing within **15 days** why they should not be sanctioned for failing to follow the Court's orders.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge